

## Calendar No. 589

107TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
107-272

### PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK ADDITION ACT OF 2002

SEPTEMBER 11, 2002.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural  
Resources, submitted the following

#### R E P O R T

[To accompany H.R. 1906]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1906) to amend the Act that established the Pu'uhonua O Hōnaunau National Historical Park to expand the boundaries of that park, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE

The purpose of H.R. 1906 is to expand the boundaries of Pu'uhonua o Hōnaunau National Historical Park in the State of Hawaii to include approximately 238 acres of land. The bill also authorizes the Secretary of the Interior to acquire 159 acres of adjacent lands and upon their acquisition, to include such lands within the park boundary.

#### BACKGROUND AND NEED

Pu'uhonua o Hōnaunau National Historical Park was authorized by Congress in 1955 and formally established in 1961. The park was originally designated as the City of Refuge National Historical Park, and later renamed in 1978. The park encompasses approximately 180 acres on the western coast of the island of Hawaii.

The park preserves the site where Hawaiians who broke kapu (one of the ancient laws used to balance and protect the laws of nature) could avoid certain death by fleeing to a place of refuge or

“pu’uhonua.” Defeated warriors and non-combatants also found refuge here during times of battle. The grounds just outside the wall that encloses the pu’uhonua were home to several generations of powerful royalty and their families. Occupation of the site has been dated from 1100 A.D., and the area has been used as a place of refuge, with related villages and agriculture, for most of its history. Although the park contains a scenic coastline, it is most noted for its cultural, spiritual, and archaeological features, including the pu’uhonua, heiau, platforms, royal fishponds, sledding tracks, and village sites.

The area to be added to Pu’uhonua o Hōnaunau National Historical Park by H.R. 1906 includes significant archaeological remains of Ki’ilae village, one of the ancient coastal villages. As part of its study of the proposed expansion, the National Park Service identified over 800 archaeological and historical sites, including caves, stone platforms, heiau, burial sites, agricultural features, walled enclosures and canoe landing sites. The lands have been appraised at approximately \$4.6 million.

#### LEGISLATIVE HISTORY

H.R. 1906 was introduced by Representative Mink on May 17, 2001 and passed the House of Representatives by voice vote on June 17, 2002. Identical legislation, S. 1057, sponsored by Senators Akaka and Inouye, passed the Senate on October 17, 2001. At the business meeting on July 31, 2002, the Committee on Energy and Natural Resources ordered H.R. 1906 favorably reported.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 31, 2002, by a voice vote of a quorum present, recommends that the Senate pass H.R. 1906.

#### SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill, the “Pu’uhonua o Hōnaunau National Historic Park Addition Act of 2002.”

Section 2 amends the first section of the Act of July 26, 1955 (69 Stat. 376, ch. 385; 16 U.S.C. 397), by modifying the boundaries of Pu’uhonua o Hōnaunau National Historical Park to include approximately 238 acres of lands and authorizes the Secretary of the Interior to acquire approximately 159 acres.

Section 3 authorizes such sums as are necessary to carry out the Act.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, August 9, 2002.

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1906, the Pu'uhonua o Honaunau National Historical Park Addition Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 1906—Pu'uhonua o Honaunau National Historical Park Addition Act of 2002*

H.R. 1906 would authorize the expansion of the Pu'uhonua o Honaunau National Historical Park. Specifically, the act would modify the park boundaries to add a 238-acre parcel of land contiguous to the park, which the National Park Service (NPS) could then acquire by purchase or donation. The legislation would provide for additional expansion by authorizing the NPS to acquire another 159 acres and to then redraw the park's boundaries accordingly. Finally, H.R. 1906 would authorize the appropriation of whatever amounts are necessary for land acquisition and related activities.

Based on information provided by the NPS, CBO estimates that the one-time costs to purchase and study the 238 acres added by the legislation would be about \$5 million, of which \$0.5 million was appropriated in 2002. Assuming appropriation of the remaining amounts, we expect that the NPS would purchase this acreage in 2003. We estimate that provisions authorizing the acquisition of an additional 159 acres would have no significant cost because we expect that the agency would only acquire acreage donated by the owners. Additional costs to administer all land added to the park as a result of the act would be about \$0.3 million annually, assuming the availability of appropriated funds. Enacting H.R. 1906 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

On August 20, 2001, CBO transmitted a cost estimate for S. 1057, the Pu'uhonua o Honaunau National Historical Park Addition Act of 2001, as ordered reported by the Senate Committee on Energy and Natural Resources on August 2, 2001. On April 24, 2002, we transmitted a cost estimate for H.R. 1906 as ordered reported by the House Committee on Resources on April 24, 2002. On July 19, 2002, we transmitted a cost estimate for S. 1057 as ordered reported by the House Committee on Resources on July 10, 2002. The four versions of the legislation are identical. The esti-

mated costs are also identified, but no funds had been appropriated for the project at the time of our August 2001 estimate.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1906. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1906, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On, July 30, 2002, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 1906. These reports had not been received at the time the report on H.R. 1906 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior at the Subcommittee hearing on the identical Senate companion measure, S. 1057, follows:

#### STATEMENT OF JOHN REYNOLDS, REGIONAL DIRECTOR, PACIFIC WEST REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1057, a bill to adjust the boundaries of Pu'uhonua o Honaunau National Historical Park.

The Department supports S. 1057. This legislation will adjust the authorized boundary of Pu'uhonua o Honaunau National Historical Park to include the remainder of Ki'ilae Village within the park. The proposed expansion is located on lands immediately adjacent to, but outside the southern park boundary, and would add 238 acres to the 182 acres already within the park. The addition of another 165 acres would also be authorized if the lands are ever acquired.

Ki'ilae is an ancient Hawaiian settlement dating back to the late 12th or early 13th centuries. The settlement remained active until the 1930's, making it one of the last traditional Hawaiian villages to be abandoned. The proposed boundary adjustment consists of adding lands containing the archaeological remains of this Hawaiian village. Lands to be added to the park contain more than 800 archaeological sites, structures and features. These include

at least 25 caves and 10 heiau (Hawaiian temples), more than 20 rock platforms, 26 rock wall enclosures, over 40 burial features, residential compounds, a holua (recreational slide used by Hawaiian royalty), canoe landing sites, a water well, numerous rock walls and a wide range of agricultural features.

The proposed expansion dates back to a 1957 archaeological survey conducted by the Bishop Museum. This survey found that the greater part of the ancient village of Ki'ilae, as well as other significant Hawaiian archaeological resources, were left outside of the park boundaries established by Congress in 1955. Pu'uhonua o Honaunau's 1972 Master Plan identifies Ki'ilae Village as one of the park's major resources and the master plan graphics show village remains extending well beyond the existing park boundaries. In 1992, a boundary study was prepared for the park. Both the master plan and the boundary study call for adding the "balance of Ki'ilae Village" to the park. Up until last year, the property was unavailable because its ownership was not clear. The three heirs to the property have now settled the ownership issue, thereby clearing the way for the Park Service to acquire the land. S. 1057 would allow the boundary of the park to be expanded to protect this significant cultural resource.

In light of the President's commitment to reducing the backlog of deferred maintenance needs within the National Park System before incurring additional financial burdens, it is encouraging to note that the present owner may consider donating one portion of the property to the National Park Service, while the other portion would be available for purchase and has been appraised at \$4.6 million. Funds to purchase this property would be subject to NPS servicewide priorities and the availability of appropriations. Since on development is contemplated within the boundary adjustment area, no line item construction or significant development costs are anticipated, although there would be some one-time costs after acquisition to conduct an inventory of archaeological resources and remove non-native vegetation. We expect that the park would seek to increase its base-operating budget in the range of \$250,000 in order to hire two additional resource management employees, as well as two employees to provide services such as interpretation and law enforcement. This increase would have to compete against other demands for limited operational funds.

There is strong local support to protect and include these resources within the Pu'uhonua o Honaunua National Historical Park. This reflects the high level of cooperation and strong commitment of local communities and governments toward the park. This kind of local support for land acquisition projects is an important part of the Department's support for this legislation.

That concludes my testimony. I would be glad to answer any questions that you or the members of the subcommittee may have.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 1906, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

[69 Stat. 376]

AN ACT To authorize the establishment of the City of Refuge National Historical Park, in the Territory of Hawaii, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That, when]* *Section 1. (a) When title to such lands located on the island of Hawaii, within the following-described area, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary and suitable for the purpose, shall have been vested in the United States, said lands shall be set apart as the City of Refuge National Historical Park, in the Territory of Hawaii, for the benefit and inspiration of the people:*

## PARCEL 1

\* \* \* \* \*

## PARCEL 3

\* \* \* \* \*

4. Two hundred fifty-nine degrees thirty-three minutes fifteen seconds six hundred eighty feet along L. C. Aw. 7712: 1 to M. Kekuanaoa and passing over a rock called Kuwaia, marked K+K at six and eight-tenths feet to the point of beginning.

Areas, ten and twenty-five one-hundredths acres.

*(b) The boundaries of Pu'uhonua o Hōnaunau National Historical Park are hereby modified to include approximately 238 acres of lands and interests therein within the area identified as "Parcel A" on the map entitled "Pu'uhonua o Hōnaunau National Historical Park Proposed Boundary Additions, Ki'ilae Village", numbered PUHO-P 415/82,013 and dated May, 2001.*

*(c) The Secretary of the Interior is authorized to acquire approximately 159 acres of lands and interests therein within the area identified as "Parcel B" on the map referenced in subsection (b). Upon the acquisition of such lands or interests therein, the Secretary shall modify the boundaries of Pu'uhonua o Hōnaunau National Historical Park to include such lands or interests therein.*

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